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by Renee D. East
Date of signature and deposit - May 26, 2006

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Eric Miller	) Group Art Unit: 2645
Serial No.: 10/626,786	) Confirmation No.: 1186
Filed: 7/23/2003	) Examiner: G. Gauthier
For: System for Securing Messages Recorded in an IP Telephony Network	) Atty. Docket: 2330(16353)

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APPELLANT'S BRIEF ON APPEAL

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an appeal from the final rejection of the Examiner dated January 24, 2006, rejecting claims 1-13 and 15-27.

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REAL PARTY IN INTEREST

The real party in interest in the present appeal is Sprint Communications Company L.P., assignee of the entire right, title, and interest in the present application.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences known to appellant, the appellant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

STATUS OF CLAIMS

The status of the claims is as follows:

Claims allowed: none.

Claims objected to: none.

Claims rejected: 1-13 and 15-27.

Claims withdrawn: none.

The claims being appealed are: 1-13 and 15-27.

STATUS OF AMENDMENTS

No amendment was filed after final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

The invention relates to recorded messages that are left by a calling party for a called party in a telephony system. More specifically, the invention restricts usage of recorded message files transferred within computer networks, such as an Internet Protocol (IP) network for providing IP telephony (specification page 1, lines 16-19). The Secure SIP Media Server (SSMS) of the present invention provides for the recording and distribution of stored audio and video messages or other content while maintaining the

ability of the owner/creator of the message to control usage of the content by others. Conventional SIP-based messaging systems provide the ability to record live audio or video messages destined for users who are not currently available for interactive communications. However, the current systems cannot guarantee how the recipient of the message handles it (i.e., how the file is copied, modified, or distributed). For instance, once a called party retrieves a stored message using email, that user could forward the message on to another email recipient, or could modify the original message (page 4, lines 13-21).

Using digital rights management (DRM) technology, the SSMS enhances both the calling party's and the called party's control over a message even after it has been forwarded to another user. Stored messages are encrypted and assigned usage rights by both the calling and called parties. The rights may specify users that may access or modify the content as well as how often and when the content may be accessed (page 4, lines 23-28).

More particularly, claim 1 recites network apparatus for communicating a recorded message from a calling party to a called party within an Internet Protocol (IP) network of the type shown in Figure 1. A messaging controller (22 in Fig. 3) accepts commands over the IP network and plays and records digital media such as the recorded message. An encryption encoder/packager (23 in Fig. 3) encrypts the recorded message and packages the encrypted recorded message with an identifier to produce a protected message file (steps 39 and 40 in Fig. 4). Media storage (24 in Fig. 3) stores the protected message file. A notification system (25 in Fig. 3) sends a notification message over the IP network to announce the protected message file (step 42 in Fig. 4). A message distributor (26 or 27 in Fig. 3) delivers the protected message file from the media storage to the called party over the IP network when requested by the called party (steps 44 through 51 in Fig. 5). A license server (17 in Fig. 1) maintains a decryption key for responding to a validated request over the IP network for a license from the called party,

wherein the license includes the decryption key for accessing the protected message file (page 7, lines 1-7).

Independent claim 15 recites a method of the invention. In particular, a call is placed from the calling party to a called party over the IP network (page 5, lines 15-29). When it is determined that the called party is not available, the call is interconnected with a message service over the IP network (page 8, lines 19-23). The recorded message is initially recorded as an unprotected digital media file (step 35 in Fig. 4). The unprotected digital media file is encrypted according to an encryption key to generate an encrypted recorded message (step 39 in Fig. 4; page 9, lines 9-12). The encrypted recorded message is packaged with an identifier to produce a protected message file and then stored in media storage (step 40 in Fig. 4). A notification message is sent to the called party over the IP network to announce the protected message file (step 42 in Fig. 4). The protected message file is delivered to the called party over the IP network when requested by the called party (steps 44 through 49 in Fig. 5). A license is obtained by the called party over the IP network by sending a request for a license (step 52 in Fig. 5).

As a result of the foregoing invention, a calling party leaving a recorded message within an IP telephony system can exercise control over the resulting media file that is created. The ability to listen to the message is controlled by identifying license rights corresponding to the persons that the calling party intends.

None of the claims contain either a means plus function or a step plus function element.

GROUNDS OF REJECTION TO BE REVIEWED

1. Whether Claims 1-13 and 15-27 are unpatentable under 35 U.S.C. §103(a) as being unpatentable over Stork et al in view of Nelson et al.

ARGUMENT

Rejection of Claims 1-13 and 15-27 under 35 USC 103(a)

Claims 1, 7, 8, 15, 21, and 22

The telephone message system of Stork operates within the telephone system (see e.g., col. 2, lines 6-7; col. 2, lines 20-21; col. 4, lines 5-6). Dedicated lines run between the sender 304 and the receiver 305. Therefore, Stork fails to teach the communication of a recorded message within an IP network. The telephone system of Stork is "connection oriented" wherein a single link is established and maintained for the duration of a call. After a message is recorded, it is stored in the receiver hardware of the called party. After the message is stored, the called party retrieves the message using the same receiver hardware.

Since the only network present in Stork is the telephone system, there would be no way to distribute a notification message as is required by claims 1 and 15. It would make no sense to distribute a notification message over the telephone system because it would be redundant of an indication on the called party's telephone that a message is stored and because the called party is not present at their telephone to receive a notification message anyway. Thus, there is no notification message sent over an IP network, or any other network, as required by the claims.

Claim 1 recites a message distributor which delivers the protected message file from the media storage to the called party over the IP network. Since Stork stores a message in the same device that replays the message, there is no teaching or suggestion of the message distributor, or of the delivery of a protected message file as required in claim 15.

The addition of Nelson fails to strengthen the rejection. Nelson encrypts messages in order to allow them to be stored in an open file system. Each message is

encrypted according to a public key of the called party and only the called party can decrypt it for playback. There is no notification message in Nelson, Moreover, there is no license server which requires validated requests for licenses. Without the use of licenses that can be obtained from a server, access to a recorded file in Nelson is limited to a single recipient's password and to reproduction of the recorded message by the voicemail system itself since that is the only system that could decrypt it.

Since the cited references fail to either teach or suggest the limitations of claims 1 or 15, claims 1, 7, 8, 15, 21, and 22 are allowable.

Claims 2-6 and 16-20

Claims 2-6 and 16-20 relate to license parameters for providing selected limitations for accessing the protected message file. License parameters, as used in the present application, are more than just a decryption key because the parameters provide selected limitations for accessing the file. Stork and Nelson merely use decryption keys so that a file can either be decrypted or not, with no selected limitations between the two extremes. Therefore, claims 2-6 and 16-20 are likewise allowable.

Claims 9-13 and 23-27

Claims 9-13 and 23-27 specify various media (such as email, instant messaging, short-message-service) for providing the notification message, and various media for distributing the protected message file (such as email and streaming media). Since the combination of Stork and Nelson lacks any teaching or suggestion of notification messages or a message distributor, claims 9-13 and 23-27 are allowable.

CONCLUSION

The final rejection has failed to establish a case of prima facie obviousness of any of claims 1-13 or 15-27. The prior art relied upon in the final rejection neither teaches nor suggests the structure or function of the present invention nor does it provide any teaching which can obtain the significant advantages which are achieved by the present invention. Accordingly, the final rejection should be reversed.

Respectfully submitted,

Mark L. Mollon
Registration No. 31,123
Attorney for Appellant

Date: May 25, 2006

MacMillan, Sobanski & Todd, LLC
One Maritime Plaza, Fourth Floor
720 Water Street
Toledo, Ohio 43604
Tel: 734-542-0228
Fax: 734-542-9569

CLAIMS APPENDIX

Claims 1-13 and 15-27 now read as follows:

1. Network apparatus for communicating a recorded message from a calling party to a called party within an Internet Protocol (IP) network, comprising:

a messaging controller for accepting commands over said IP network from said calling party, said messaging controller playing and recording digital media including said recorded message;

an encryption encoder/packager coupled to said message controller for encrypting said recorded message in response to an encryption key and packaging said encrypted recorded message with an identifier to produce a protected message file;

media storage for storing said protected message file;

a notification system for sending a notification message over said IP network for said called party to announce said protected message file;

a message distributor for delivering said protected message file from said media storage to said called party over said IP network when requested by said called party; and

a license server for maintaining a decryption key corresponding to said encryption key and said identifier and for responding to a validated request over said IP network for a license from said called party, wherein said validated request includes said identifier, and wherein said license includes said decryption key for accessing said protected message file.

2. The apparatus of claim 1 wherein said messaging controller identifies license parameters for providing selected limitations for accessing said protected message file.

3. The apparatus of claim 2 wherein said license parameters are maintained by said license server for inclusion in said license.

4. The apparatus of claim 2 wherein said license parameters are incorporated into said protected message file.

5. The apparatus of claim 2 wherein said messaging controller is responsive to respective commands from said calling party for specifying said selected limitations.

6. The apparatus of claim 2 wherein said selected limitations include default limitations associated with at least one of said called party and said calling party.

7. The apparatus of claim 1 wherein said identifier comprises a key identifier for uniquely identifying said decryption key.

8. The apparatus of claim 1 further comprising:

a user agent for establishing a communication session within said IP network between said calling party and said messaging controller; and

a transfer client for exchanging communication signals to and from said calling party.

9. The apparatus of claim 1 wherein said notification message is sent to an instant message client.

10. The apparatus of claim 1 wherein said notification message is sent to a short message service (SMS) device.

11. The apparatus of claim 1 wherein said notification message is sent to an e-mail client.

12. The apparatus of claim 1 wherein said message distributor comprises an e-mail server for providing said protected message file as an e-mail attachment.

13. The apparatus of claim 1 wherein said message distributor comprises a streaming media server, wherein said notification message provides a stream identification, and wherein said streaming media server streams said protected message file in response to being contacted by a media player.

15. A method of sharing a recorded message from a calling party, said recorded message being stored and transmitted within an Internet Protocol (IP) network, said method comprising the steps of:

placing a call from said calling party to a called party over said IP network;

determining that said called party is not available for said call;

interconnecting said call with a message service over said IP network;

recording said recorded message as an unprotected digital media file;

encrypting said unprotected digital media file according to an encryption key to generate an encrypted recorded message;

packaging said encrypted recorded message with an identifier to produce a protected message file;

storing said protected message file in media storage;

sending a notification message to said called party over said IP network to announce said protected message file;

delivering said protected message file to said called party over said IP network when requested by said called party; and

responding to a validated request over said IP network for a license from said called party by transmitting said license to said called party over said IP network, said license including a decryption key for accessing said protected message file.

16. The method of claim 15 further comprising the step of identifying license parameters for providing selected limitations for accessing said protected message file.

17. The method of claim 16 wherein said license parameters are maintained by said license server for inclusion in said license.

18. The method of claim 16 wherein said packaging step includes incorporating said license parameters into said protected message file.

19. The method of claim 16 further comprising the step of said calling party generating respective commands for specifying said selected limitations.

20. The method of claim 16 wherein said selected limitations include default limitations associated with at least one of said called party and said calling party.

21. The method of claim 15 wherein said identifier comprises a key identifier for uniquely identifying said encryption key.

22. The method of claim 15 further comprising the steps of:

launching a user agent for establishing a communication session within said IP network between said calling party and said messaging controller; and

launching a transfer client for exchanging communication signals to and from said calling party.

23. The method of claim 15 wherein said step of sending a notification message comprises sending an instant message to an instant message client corresponding to said called party.

24. The method of claim 15 wherein said step of sending a notification message comprises sending an SMS message to an short message service device corresponding to said called party.

25. The method of claim 15 wherein said step of sending a notification message comprises sending an e-mail message to an e-mail server corresponding to said called party.

26. The method of claim 15 wherein said step of delivering said protected message file comprises sending said protected message file from an e-mail server as an e-mail attachment.

27. The method of claim 15 wherein said step of delivering said protected message file comprises streaming said protected message file from a streaming media server, wherein said notification message provides a stream identification, and wherein said streaming media server streams said protected message file in response to receiving a stream request including said stream identification.

EVIDENCE APPENDIX

No evidence has been submitted under 37 CFR §§1.130, §§1.131, §§1.132, or otherwise.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings and no corresponding decisions rendered.

PTO/SB/17 (12-04)
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FEE TRANSMITTAL For FY 2006

Effective 12/08/2004. Fee pursuant to the Consolidated Appropriations Act. 2005 (H.R. 4818).

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($ 500.00)

Complete if known	
Application Number	10/626,786
Filing Date	07/23/2003
First Named Inventor	Eric Miller
Examiner Name	G. Gauthier
Art Unit	2645
Attorney Docket No.	2330(16353)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):_____

☒ Deposit Account: Deposit Acct. Number: 21-0765 Deposit Acct. Name: Sprint Communication Company L.P.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below
☒ Charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.16 and 1.17
☐ Credit any overpayments
☐ Charge fee(s) indicated below, **except the filing fee** to the above-identified deposit

Warning: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
Application Type	**Fee ($)**	**Small Entity Fee ($)**	**Fee ($)**	**Small Entity Fee ($)**	**Fee ($)**	**Small Entity Fee ($)**	**Fees Paid ($)**
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	**Extra Claims**	**Fee ($)**	**Fee Paid ($)**
_____ - 20 or HP =	_____ x	_____ =	_____

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	**Extra Claims**	**Fee ($)**	**Fee Paid ($)**
_____ - 3 or HP =	_____ X	_____ =	_____

HP = highest number of total claims paid for, if greater than 3

Multiple Dependent Claims

Fee($)	Fee Paid ($)
_____	_____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	**Extra Sheets**	**Number of each additional 50 or fraction thereof**	**Fee ($)**	**Fee Paid ($)**
_____ - 100 =	_____ / 50 =	_____ (round up to a whole number) x	_____ =	_____

4. OTHER FEE(S)

Non-English Specification, $130 fee (no small entity discount)
Other: 1402 – 500.00

SUBMITTED BY

(Complete (if applicable))

Name (Print/Type)	Mark L. Mollon	Registration No. (Attorney/Agent)	31,123	Telephone (734) 542-0900	
Signature	Mark L. Mollon			Date	May 26, 2006